



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20040401

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**


## Commissioner for Patents


The reply filed on January 12, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) (See 37 CFR 1.111): Applicant did not respond to the objection of the drawings that indicated that Figure 7 contained SEQ ID NOs: 32-43 whereas the sequence listing only contains 31 sequences and that sequences of the length shown in Figure 7 do not appear in the Sequence Listing. (see page 3-4 of Office Action mailed 8-13-03, a copy attached hereto for Applicants convenience). The application must be in compliance with the Sequence Rules to be considered fully responsive (see 37 C.F.R. 1.821(a)-(e) and MPEP 2422 for Sequence Rules). It is also noted that Applicant did not respond to the rejections of Claim 17 (amended as new Claim 20) under 35 U.S.C. 102(b)). Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Schnizer whose telephone number is (571) 272-0958. The examiner can normally be reached on Tuesday, Thursday, and Friday from 8 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (571) 272-0951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Holly Schnizer  
April 1, 2004

  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1800

14-17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-13 and 18-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### ***Status of the Claims***

Claims 1-19 are pending. Claims 7-13 and 18-19 are withdrawn from consideration as being drawn to non-elected subject matter and Claims 1-6 and 14-17 have been examined on the merits in this Office Action.

#### ***Drawings***

The drawings are objected to for the reasons cited on the attached Form PTO 948.

The examiner also objects to the drawings because the sequence identifiers in Figure 7 appear to be incorrect. For example, the first and second sequences (protein sequences) appear to be given the sequence identifiers SEQ ID NO: 2 and 28, respectively. However, SEQ ID NOs: 2 and 28 are nucleotide sequences and the sequences in the figures are protein sequences. In addition, the figure refers to SEQ ID

Art Unit: 1653

NOs: 32-43, however there are only 31 sequences in the sequence listing. Patent applications which contain disclosures of nucleotide and/or amino acid sequences must contain a sequence listing disclosing the nucleotide and/or amino acid sequences.

Where the description or claims of the application discuss a sequence that is set forth in the Sequence Listing, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the application (see 37 C.F.R. 1.821(a)-(e) and MPEP 2422). It is noted that sequences of the length shown in Figure 7 do not appear in the Sequence Listing. Correction is required.

### ***Objections***

It is noted that Claim 3 contains a typographical error in line 2. The word "different" is misspelled as "differennt". Correction is requested.

Claims 1-6 and 14-17 should refer to the sequence identifier as "SEQ ID NO:" rather than "SEQ. I.D. NO.:". Correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.